



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 557-00
16 May 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 16 May 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 27 October 1998 for four years. On 24 May 1999 the Navy Personnel Command (NPC) informed your commanding officer that you had fraudulently enlisted because you had not disclosed preservice arrests for two instances of disturbing the peace, two instances of trespassing, loitering and prowling. NPC directed that you be processed for discharge due to fraudulent enlistment or that a request for waiver of these arrests be submitted.

On 23 August 1999 you were notified of separation processing by reason of fraudulent enlistment. In connection with this processing you elected to waive your procedural rights. The next day, the commanding officer directed a general discharge stating, in part, as follows:

... we were directed to separate or apply for a waiver of fraudulent enlistment. Initially, we were inclined to seek the waiver as (he) applied himself diligently

to his work. However, while on Board ... (he) has been a source of liberty infractions during our port visits. While in port Manama, Bahrain (he) became intoxicated, contrary to orders, and a drunk watch had to be posted. Then while in port (in) Freemantle, Australia (he) went on unauthorized absence from 2359 on 31 July 1999 to 0700, 1 August 1999 by staying off the ship without an overnight chit. Making matters worse, (he) had submitted an overnight chit, but received it back "denied".

These incidents demonstrate an unwillingness to mature into a productive sailor. He has rebuked the aid offered to him by his chain of command, and refuses to conform his behavior to that required of a member of the Naval Service.

You were issued a general discharge by reason of fraudulent enlistment on 22 September 1999. At that time you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

Regulations require the assignment of an RE-4 reenlistment code when an individual is discharged due to fraudulent enlistment. Since you have been treated no differently than others discharged for that reason, the Board could not find an error or injustice in the assignment of the RE-4 reenlistment code.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

If you desire recharacterization of your discharge to honorable and/or a change in the reason for discharge, you should complete the enclosed application (DD 293) and submit it to the Naval Discharge Review Board.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval

record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure